

## THE DUPE CAN'T SEE HEALER

FOR DAMAGES FOR NOT HEALING  
ACCORDING TO EDDY.A New Hampshire Case of Appendicitis  
and Christian Science—Credulity of  
the Patient Taken by the Court to  
Count for Contributory Negligence.

The Supreme Court of New Hampshire, in a recent opinion, has held that while Christian Science healers may set up their religious teachings, practices or beliefs as a defense to charges of infraction of the criminal law, on the other hand, persons who knowingly submit themselves to the practices of the "healers," must not expect to recover money damages for any injurious consequences that may arise.

The case in point was a suit brought by Mrs. Stead, now 60 years old, against one Tomlinson, a Christian Science healer, set out in the New Hampshire reports. Mrs. Stead had an attack of appendicitis in April, 1898. She had it treated by her regular medical practitioner, who effected a cure in the course of several months.

The following year Mrs. Stead became interested in the doctrines of Christian Science and attended a number of meetings at which Tomlinson told of the wonderful cures he had performed. In November, 1899, Mrs. Stead, who from her past experience had acquired considerable knowledge of the symptoms of appendicitis, became convinced that another attack was impending.

She visited Tomlinson and told him of her symptoms and of her dread of a surgical operation. Tomlinson assured her that he could heal her and that an operation would be unnecessary. She then employed him to treat her, relying upon his powers and her faith in Christian Science.

Tomlinson's curative methods were simple. Mrs. Stead was to take no food, and to continue her usual diet of solids and to take her accustomed exercise. He directed her to read Mrs. Eddy's work, "Science and Health," which she did religiously. Tomlinson himself administered "treatment" by sitting in front of her daily for some hours, in an attitude of prayer, or reading extracts to her from Mrs. Eddy's book.

Mrs. Stead kept up the healing treatment for several days, only to find her illness growing worse and her symptoms more pronounced. Finally she dismissed the healer, sent for her family doctor, submitted to an operation and was cured. Then she sued the healer for damages, alleging violation of contract, negligence and deceit.

On the trial it was shown that had Tomlinson's methods been persisted in, a cure might have become impossible. Mrs. Stead admitted that she knew that Tomlinson made no claim to any knowledge of medicine or surgery, that he relied solely on the power of God to heal disease, and that his advice and treatment were contrary to those she would have received from a physician. She testified that she employed him because she believed he could cure her, and that her belief was based upon his representations as to the efficacy of his treatment. In other words, she had no doubt of his sincerity or of her own belief in Christian Science when she employed him, she said.

The trial court held that if there had been any negligence on Tomlinson's part, Mrs. Stead, by submitting herself voluntarily to this peculiar form of healing, had contributed to the negligence. It was also held that there had been no deceit, because, though Tomlinson had assured her he could and would cure her, he had not fraudulently misled her, since she had implicit faith in what he said. Views such as these, remarks the reviewing Court, would relieve the healer from liability, but the question whether a Christian Science healer had correctly administered his own system. Continuing, the Court says:

Assuming that the healer's such treatment is forbidden by the law which makes the killing of a human being by culpable negligence a crime, it is not the duty of the common law which makes it unlawful for any one to do what is liable to endanger the life of another, and that the duty of not doing what is forbidden by either provision was imposed on the defendant. The plaintiff's liability, the question still remains whether the plaintiff's own wrong contributed to cause her injuries. It is a summary that it was the duty of the defendant to treat the plaintiff as he did, was equally illegal for her to know that her employer had given her no treatment, or to consent to be so treated. So far as the evidence goes, the plaintiff was suffering from the disease from which she was suffering and the treatment prescribed for it by regular physicians in good standing, and in respect to the way the defendant proposed to treat her, was at least equal to his.

It does not follow, as the plaintiff contends, that the fact that the plaintiff cannot recover in this action on the count of negligence, that the defendant could not have been guilty of manslaughter if the plaintiff had died from the effects of his treatment.

## SEATS FOR CONNED BENEFIT.

Subscribers to Have First Chances—As to a Longer Opera Season.

Mr. Corried made public yesterday the means by which it will be possible for the public to get into the Metropolitan Opera House on Feb. 10, when "Die Fledermaus" is to be sung for the first time. The office is now filled with applications for seats.

Mr. Corried is going to give the first opportunity to his subscribers. Those who take tickets for all performances will be allowed first choice. Next are to be considered the subscribers to one performance. No subscriber to more than one performance, or to more than one performance, ever, to retain more than the number of seats he subscribes for.

Grand tier boxes will be sold for \$100 and stall boxes for \$50. The rates throughout the house will be in every case doubled. As this performance will be for Mr. Corried's benefit, the stockholders are in the habit of paying for the boxes in advance.

Mr. Corried has not yet decided to make the season of opera twenty weeks instead of fifteen, although he is anxious to avoid the road tour.

"The trouble in increasing the New York season," he said, "is the unwillingness of the stockholders to pay for more than the fifteen weeks. They say to me, 'You may make the season as long as you want, but we only pay for fifteen weeks.'"

"As it is, the stockholders in the Metropolitan Opera and the Estate Company get a great deal for nothing. They do not pay for the Saturday night performances, for 'Parsifal' or for the extra Ring series. They are entitled to only four representations a week. Until they are willing to come to my support, it will not be possible to make the season as long as twenty weeks, although I hope to make it more than fifteen next year."

## CONNED STANDS BY STANDEES.

Appeals From Health Board Notice to Limit the Number to 344.

Herr Corried of the Metropolitan Opera House has appealed from a notice issued to him last week by Dr. Bensall, Assistant Sanitary Superintendent of the Board of Health, to limit the number of tickets for standing room in the semi-circular aisle back of the orchestra to 344.

The appeal was to have been heard yesterday at the regular meeting of the Board of Health, but owing to the absence of Dr. Darlington, president of the board, said last night: "We are going a little aside in this matter, because Herr Corried won the case. The Board will hear the appeal against him in the same connection. The board will meet again some time this week or early next and issue an order—whether the order will be upheld by the courts or not of course we cannot say."

## Chicago to Try New York's Yiddish Actors.

Jacob Adler is to take his company of Yiddish actors from the Grand Theatre to Boston and Chicago at the close of the present season here.

The company, from Chicago, will give musical plays in Yiddish at the Grand

## PUBLICATIONS.

## SAID A MANUFACTURER

recently:

"We believe we have the finest product in our line, but our growth is limited because the trade is already overstocked and we must regulate our output by the demand."

Whose demand?

The dealer can be induced to order small quantities of a good thing, but he has no time to force their sale. This happened to be a grocery specialty and the grocer is busy selling the things his customers ask for. In any busy day there is little time for argument or for missionary work, and, if there were, why should he be expected to give it?

THE LADIES' HOME JOURNAL could make these goods known to five million people and wanted by an interesting percentage of them.

The consumer's response to the manufacturer's convincing appeal will make the output limited by the production capacity—and by nothing else.

Rate card on application.

## THE CURTIS PUBLISHING COMPANY

PHILADELPHIA

NEW YORK BOSTON CHICAGO

BOOKS ON Freemasonry, Smoking, Philanthropy, Philology, Oriental Religions, anything odd. PRATT, 101 8th av.

## STOCK LAUNDRY SCANDAL.

Negotiations for Settlement Out of Court

Not Concluded So Far.

Negotiations are still on for the settlement of the creditors' claims, amounting to about \$250,000, against Munroe & Munroe, the collapsed "laundry" brokerage firm, but no definite results have been obtained. The creditors are standing out for a settlement in full, but those who are interested in having the bankruptcy proceedings discontinued have not been able to "see" that. The next hearing is scheduled for 2 o'clock this afternoon, with Dave Bucklin, gambler and underwriter in the Montreal and Boston underworlding syndicate, as the star witness.

## THEATRE PARTY IN THE GOLD.

Twenty Young Women Whom Fritz Scheff's

Illness Left in a Predicament.

Miss Elizabeth Remsen gave a theatre party for debutantes on Monday night under great difficulties. A month ago she had ordered forty seats at the Broadway Theatre, where Fritz Scheff was expected to appear in "Fatinista." The party was in honor of Miss Gretchen Hoyt, one of the debutantes of the winter, and the guests were other debutantes and members of the younger set in society. They met at Miss Remsen's house, at 17 West Fifty-first street, and started to the theatre in four stages.

When Miss Remsen, who was in the last stage, arrived she found her forty guests huddled in the lobby, and the guests were told that no notice of the change of plan had been sent out as Miss Scheff decided only at 6 o'clock that night that she was too ill to sing. It was then decided to close the theatre for a week. The audience learned the fact first on arriving at the theatre.

Miss Remsen had her guests on her hands. It was the duty of the nearest friends, the Men in the party visited the theatre, and one of them finally returned with the good news that it was possible to get seats and boxes enough at the Lyric. Thither the four parties were driven, and the belated theatre party finally sang "Fatinista." They returned to Miss Remsen's for supper.

## BENEFIT FOR JOSEPH HOLLAND.

He Will Probably Never Act Again and

a Fund Is Being Raised for His Support.

Friends of Joseph Holland, the actor, who has become so ill that he will be unfit for future work in his profession, have undertaken to raise a permanent fund for his support. He will probably never act again. A benefit performance will be held some time in March at the Metropolitan Opera House, which Mr. Corried has offered free of charge. Among the players who have volunteered their services are the best known actors and actresses in this country. The committee in charge received a check for \$1,001 yesterday from one gallery seat.

## CONFEDERATES PATRIOTIC TOAST

Drink to President, Army and Navy at Dinner

in Memory of Gen. Lee.

The Confederate Veteran Camp of New York held their fifteenth annual banquet in memory of Gen. Robert E. Lee at the Waldorf last night. About 300 men and women attended.

At the conclusion of the dinner a toast was drunk to the President and the Army and Navy of the United States. They followed a toast to the memory of Robert E. Lee. "Lee as a Citizen" was the title of a speech made by Gov. A. J. Montague of Virginia. Other speakers were Lee F. Robinson and A. C. Braxton of Virginia. Mrs. Carolyn Keller sang the song "My Old Virginia Sweetheart."

## De Rahm—Dana.

BOSTON, Jan. 25.—At noon today Miss Frances A. Dana, daughter of Richard H. Dana of Cambridge and granddaughter of the poet Longfellow, was married to Henry C. De Rahm, son of Charles De Rahm of New York. The ceremony was attended only by the immediate families and close friends of the couple.

Frederick De Rahm, brother of the bridegroom, was best man. The bride, who is a member of the Episcopal church, performed the service. There were no bridesmaids and no ushers.

## Barry—Meltzer.

Alfred Marie Meltzer, the eldest daughter of Mr. and Mrs. Charles Henry Meltzer, was married on Tuesday afternoon to Alfred Ewart Barry of Rochester at St. Thomas's church. They will make their future home at Mr. Barry's country place near Rochester. He is well known as an amateur sportsman.

## LAXATIVE BROMO QUININE.

Always remember the full name. 25 cents—4 drs.

## BOOKS AND AUTHORS.

The death of Theodore Thomas just after the completion of the beautiful permanent building for his orchestra lends unusual interest to the autobiography of the great orchestral leader, which will be published in April. It is interesting to learn that Mr. Thomas had completed everything he wished to say in his book some weeks before his death. The book will be published in two volumes, the first written by Mr. Thomas at Felsenburg, his New Hampshire summer home, and containing the musical events of his boyhood and first public appearances, together with all details of his public life down to the present orchestral season. The same volume will contain an appreciation of Mr. Thomas's life as a man and work as a musician, written by Mr. Upton. The second volume will contain his representative and most significant programmes, which constitute an interesting record of the musical progress of this country during the last half century. As those programmes number over 10,000 only the most important groups will be printed entire.

A timely article to be published soon by the Century is "The Outlook for Reform in Russia." It is written by David Bell Macgowan, whom the Century sent to Russia, where he secured a number of important interviews with statesmen and others, including Minister Witte, Mr. Shipov, leader of the Moscow zemstvo movement; Count Tolstoy, and the editors of the leading St. Petersburg papers.

A new edition of Mme. d'Arbly's letters has been brought out by Macmillan & Co. with 2,000 notes by Austin Dobson. It is some sixty years since an edition of the letters has been made, and the earlier collections lacked the notes which make the life of Mme. d'Arbly last year, a book which proved to be one of the most charming of the "Men of Letters" series.

Herbert Paul has completed two more volumes of his "History of Modern England," of which the first two volumes appeared last year. Mr. Paul's experience as a journalist, critic, Member of Parliament, cultivated scholar and keen observer, gives him special fitness for writing this history, which is a purely political chronicle of England and her relations with the rest of the world, beginning with the last Whig Government of 1846. Although Mr. Paul has passed the half century mark his work is the work of a young man rather than of an old man, contemporary with the events of which he writes. His style is trenchant and downright, his matter refreshing and illuminating. The book will be completed in five volumes.

Mr. Ernest Thompson Seton, who is better known by his hyphenated nom de plume Seton-Thompson, has just returned from a lecture tour in England, where he delivered sixty lectures in sixty days. As no lectures could be given on Sundays Mr. Seton spoke more than once on several other days. The subjects of his addresses were the old favorite themes familiar to American audiences, but "Silver Spot" and the others are new personages to the English people, and camera hunting for big game is something unknown in that land of killing small game with large dogs for the amusement of the gentle folk, male and female. The lecture rooms were overcrowded with eager audiences and the circulation of Mr. Seton's books jumped into large figures.

The New Garden Magazine for February contains a nature romance and tragedy as well as the life history of the San Jose scale and the best modern means for destroying the energetic and procreative little garden parasite. The female insect of this interesting species arrives at her maturity in about thirty days and her fecundity is so great that it is estimated that a single individual may become the progenitor of over three billion descendants in a single season. Moreover, she has not succumbed to the modern spirit of restlessness, but settles down to business in about twenty-seven hours after her nativity and never moves from the spot where she locates, but loses legs, eyes and antennae and becomes an animated pump, drawing the vital fluid from the tree on which she fastens.

The publication of the remarkable and exhaustive story of Tibet, written by Percival Landon, the London Times correspondent, has been postponed, and the title has been changed to "Into Lhasa." The publishers have obtained as an introduction to the book an article by the author, which indorses it as an authoritative account of one of the most remarkable exhibitions of modern times. The veil has been lifted from the Holy City, the story of its marvels written, a series of wonderful photographs have been made and now the veil has fallen again, to be raised again one knows when. The gates of the city are closed to the stranger, but the record of the expedition will soon be available and of most thrilling interest.

William M. Bryman's contribution to Richard G. Badger's collection of poetical publications is entitled "Poems," and is a tribute to a fair unknown about whom he writes as ardently as he measures his genius in production. In the dedication of the book Mr. Bryman says: "To 'One Woman' whom the author has never met but dedicates this book in the hope and belief that the Providence will guide aright Earth's wanderers and finally cause her to:— 'Stay for him there—he will not fail To meet her in that hallowed vale.'"

The place of rendezvous is a little vague—still the "One Woman" will not doubt know where it is when she gets there and will be able to understand the poetical significance of such verses as the following:

To us your little show should be A shock that few could stand— Not only would they hold the shoe— They'd sign to hold your hand.

Eden Philpotts new book "The Secret Woman" develops a remarkable situation which is strongly and convincingly presented, and is of dramatic interest because it deals with people of elemental emotions and stern and tragic temperaments. It is the old situation repeated of the infidelity of the husband and the wife's discovery of that which wrecks her happiness. The husband and wife have lived together more than a score of years in seeming love and loyalty when the other woman—the secret—appears and the husband is found out. The wife murders the husband and of her two grown sons, who both know of the murder, one urges his mother to confess the crime, the other begs her to conceal it. To complicate the situation still more, one of the sons has been courting the secret woman and is still in love with her. Philpotts was born in India some forty years ago and having tried many kinds of employment for his activities, including studying for the stage, which art he abandoned on finding that his ability did not justify perseverance, settled down to literature and is doing for the Devon country what Hardy has done in another way for Dorsetshire.

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Frontispiece by Castaigne. Cloth, 400 pp., \$1.50

THE CENTURY CO.

## START OF THE WAGGAMAN SALE.

A Hundred Buyers From This and Other

Cities in Attendance Yesterday.

Who knew the ways of the art collector, who shall set bounds to his understanding and, above all, who shall daunt his enterprise? Yesterday's storm could not daunt him, for 300 of the smallest and least important objects of the Waggon collection were sold at the American Art Galleries for an average of \$20 a piece. More than one hundred men and women who were bound not to miss this first session of an important sale assembled at the galleries in spite of the weather, and it goes without saying that nearly all of them were buyers and quite all of them bidders. And there was Kirby in the midst of them, and as joyously as though it were a morning in June he sold them the 800 small but attractive offerings of the catalogue for nearly \$50,000, or to be exact, for \$54,841. And they went away happy.

Among the buyers were Louis C. Tiffany, George D. Morgan, J. W. Ellsworth, T. E. H. Curtis of Philadelphia, Joseph Millet of Boston, Mrs. George H. Lewis of Buffalo, Evander Berry Walk, Robert Hoe, Mrs. Charles Sprague Smith, George G. Benjamin, Carl H. De Silver, R. E. Moore, Yamanaka, Kaldenberg, James H. Webster, Cleveland, George D. Pratt of Brooklyn, and various other private collectors and dealers of this city and other places.

Only one article went for less than \$5, and that went for \$4, a wooden nettsuke, carved to represent the God of Thunder, the curious fellow whose thunder comes in a grumble, from this figure the prices ranged to \$300. Philip Berolzheimer picked the elements and carried away with him the pocket, for \$300, a rock crystal ball, made up of an ornamental silver stand, the work of a nineteenth century Japanese artist.

Nettsukes of wood and ivory, Japanese pieces of iron, silver or shibubiki, pipe cases of bone, wood or horn, wire cases, tobacco pouches, inlaid bottles, snuff saucers and inlaid snuff boxes, ornaments made up of true day's offerings.

A snuff bottle of lapis lazuli brought \$65, a rock crystal cup, \$100; a jade cup, \$25; an agate vase, 2½ inches high, \$45; an agate vase, one inch taller, \$170; a quartz bowl, \$75; a carved rock crystal vase of Chien-lung, \$125.

The sale will be continued throughout this week and most of next week.

## BLIZZARD BARGAINS IN ART.

Sale of Persian Exhibits at the World's

Fair Begins Unpromisingly.

About seventy-five persons braved the blizzard yesterday afternoon to attend the sale in the Fifth Avenue Art Galleries of the ceramics, textiles and rugs from the Persian pavilion at the world's fair.

By order of Dikran Khan Kellekian, commissioner-general from Persia to the world's fair, the sale was unrestricted. Low prices for the rugs, several small pieces of old Persian pottery and brocade were sold for \$1 or \$2. Of the more important sales, a green silk Italian chausse of the sixteenth century was taken by Mrs. J. B. Trautman at \$135. The piece of silk was bought from a plate, one in old ivory tint, with a simple design in polychrome coloring, at \$40. The other, an Arabesque and floral design, done in blue and purple, was bought at \$90 to J. B. Pennington. A set of three large pieces of blue and white Chinese pottery was sold to H. A. Lanthier, a dealer, for \$125. Several hangings in blue and silk were sold from \$40 to \$200 apiece.

This afternoon's sale several Tanagra vases of the third century B. C., from the Forman collection, were sold for \$150. A group of Moorish pottery, Italian velvets, Spanish embroideries and Greek and Roman glasses will also be offered. The sale will continue the rest of this week, beginning at 3 o'clock each afternoon.

## A NEW ART CATALOGUE.

De Luxe Edition of That of the Kaufman

Collection a Very New Volume.

For the coming exhibition and sale of the paintings and sculptures in the collection of the A. W. Kaufman of St. Louis the American Art Association has issued a catalogue de luxe that is not only attractive in make-up, but the handsomest of such volumes that have so far appeared. Less elaborate than that of the rest of this country, but more so for similar purposes, it makes up in serviceable qualities for the abridgment of the luxurious.

There are no less than sixty illustrations out of a total of eighty-eight pictures catalogued. Some are in vignette form, but more of them are full page. They are printed in halftone directly on the vellum pages and are done in brown, which makes a very pleasing combination with the natural color of the vellum.

The typography, the letter press is clear, well balanced, and the book includes careful biographical notes.

## AMUSEMENTS.

## MAJESTIC BUSTER BROWN

WEST END LOTTERY PARKER'S

THE ETERNAL CITY.

THE COLLEGE WIDOW.

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